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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICROSOFT CORPORATION,)
)
Plaintiff,)
)
vs.) No. 04 C 7687
)
ERA SOFT CORPORATION, et al.,)
)
Defendants.)

MEMORANDUM OPINION AND ORDER

Microsoft Corporation produced to defendants various investigator reports and internal analyses of allegedly counterfeit software distributed by defendants, but it redacted portions of them, designating what portions. It claims that these portions are work product. Defendants now move to compel production of the redacted portions, and they make a number of arguments why they are entitled to production.

We reject one of them outright. A document may contain both discoverable and protected material, and production of the discoverable material does not waive any privilege protecting the rest. Beyond that, we believe that the most efficient way to resolve this dispute is for the plaintiff to submit the documents to the court *in camera*, with the redacted portions highlighted. We can then determine whether any discoverable material has been redacted, what may be opinion and what not, and whether or not some material, while enjoying some protection, may be so necessary to the defense and otherwise unavailable, that it should be produced. Plaintiff shall submit the materials within ten days.


JAMES B. MORAN
Senior Judge, U. S. District Court

Nov. 29, 2005.